

**Paul Caleo, State Bar No. 153925
Allyson E. Cook, State Bar No. 227214
BURNHAM BROWN
A Professional Law Corporation
P.O. Box 119
Oakland, California 94604**

1901 Harrison Street, 11th Floor
Oakland, California 94612
Telephone: (510) 444-6800
Facsimile: (510) 835-6666
pcpaleo@burnhambrown.com
acook@burnhambrown.com
Attorneys for Defendant
HOME DEPOT U.S.A., INC.

OK/HAV

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA
ROBERT KURT SCHERER,

Plaintiff,

DEPOT U.S.A., INC., KRAUSE,
., and DOES 1-100.

Defendants.

No. CIV.S. -04-0109 DFL GGH

STIPULATION TO CONTINUE THE
HEARING ON DEFENDANT HOME
DEPOT U.S.A., INC.'S MOTION
REQUESTING LEAVE TO AMEND
ANSWER TO FILE A CROSS-CLA

Complaint Filed: January 15, 2004
Trial Date: January 23, 2006

The parties Home Depot U.S.A., Inc. ("Home Depot") and Krause, Inc. ("Krause") by and through their counsel of record hereby agree and so stipulate to continue the hearing date on Home Depot's Motion Requesting Leave to Amend Its Answer to File a Cross-Claim against Krause to July 13, 2005 at 10 a.m.

The parties further agree, including counsel for Plaintiff Robert Kurt Scherer, that the parties will not file a motion to continue the trial date currently calendared for January 26, 2006 based on the above stipulated continuance of the hearing on Home Depot's Motion Requesting Leave to Amend Its Answer to File a Cross-Claim against Krause.

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Though counsel for Plaintiff Robert Kurt Scherer is not a party to this stipulation, she was advised by counsel for Home Depot of this continuance of the hearing date.

IT IS SO STIPULATED.

DATED: May 23, 2005

BURNHAM BROWN

/s/

By _____
ALLYSON E. COOK
Attorneys for Defendant
HOME DEPOT U.S.A., INC.

DATED: May 23, 2005

SHEPARD & HAVEN, LLP

/s/

By _____
RONALD R. HAVEN
Attorneys for Defendant KRAUSE,

IT IS SO ORDERED.

DATE: 5/25/2005

/s/ David F. Levi
HON. DAVID F. LEVI
DISTRICT COURT JUDGE

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